

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID J. GONZALES-TEJEDA,

Case No. 3:13-cv-00648-MMD-VPC

Plaintiff,

ORDER


v.

ROY L. STRALL, et al.,

Defendants.

The Court dismissed this action on September 16, 2014. (Dkt. no. 4.) On May 5, 2015, Plaintiff filed a motion seeking to re-open his case. (Dkt. no. 8.) The Court will construe Plaintiff's motion as a request for reconsideration of the Court's decision to dismiss this action. So construed, Plaintiff's motion is denied. Plaintiff contends that he properly sought to stay this action pending his criminal appeal. (Dkt. no. 8.) However, the Court dismissed this action based on Plaintiff's failure to state a claim under 42 U.S.C. § 1983. As the Court noted, because Plaintiff appears to challenge the fact of his conviction, his sole federal remedy for such a claim is to pursue a petition for writ of habeas corpus. (Dkt. no. 3.) It is therefore ordered that Plaintiff's motion to re-open his case (dkt. no. 8) is denied.

DATED THIS 29th day of June 2015.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE